

HOUSE BILL 144  
By Turner M

AN ACT to amend Tennessee Code Annotated, Title 50,  
Chapter 9, Part 1, relative to drug-free workplace  
programs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 50-9-107(a), is amended by  
designating the existing language as subdivision (1) and by adding the following language as  
subdivision (2):

(2)

(A) The specimen collected shall be divided into two parts and placed into two  
containers. One container shall be sealed in a tamper proof container and returned to  
the employee giving the specimen. The other container shall be used for the testing.

(B) The employee shall be notified of the results of such test within seventy-two  
(72) hours of the time the specimen is supplied to the laboratory for testing.

(C) If there is a positive test result on such specimen, the employee may have a  
test performed on the specimen in such employee's possession if there is no evidence of  
tampering with the seal on such container.

(D) The test requested by the employee shall be performed at a laboratory that  
meets the requirements of § 50-9-110.

(E) If the employee opts to have such test performed, the employee's decision  
must be made the day the employee is notified of the positive test results on the  
specimen tested pursuant to subdivision (A) and no disciplinary action shall be taken  
against the employee under the provisions of this part until the employee receives the

results of the test requested by the employee from the laboratory pursuant to subdivision (C).

(F) Only if a positive result is reported on the specimen tested pursuant to subdivision (C) shall the disciplinary provisions of this part be implemented.

SECTION 2. This act shall take effect July 1, 2005, the public welfare requiring it.